

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TYRONE OWENS,

Plaintiff,

vs.

VIPEN SHAH, et al.,

Defendants.

Case No. 15-cv-1140-SMY-PMF

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (“Report”) (Doc. 48) of Magistrate Judge Philip M. Frazier recommending that this Court deny Plaintiff’s fourth Motion for a Temporary Restraining Order (Doc. 47) and bar Plaintiff from filing additional motions for temporary restraining orders without first receiving permission from the Court.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those un-objected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report and finds that, to the extent it recommends the denial of Plaintiff’s motion for Temporary Restraining Order, the Report is not clearly erroneous. However, at this juncture and in the absence of a properly noticed sanction, barring Plaintiff from filing any additional motions for temporary restraining orders would be in error. Therefore, the Court **ADOPTS in PART** the Report (Doc. 48) insofar as it **DENIES** Plaintiff’s Motion for Temporary

Restraining Order (Doc. 47). The Court **REJECTS** that portion of the Report that would bar Plaintiff from filing further motions without the Court's permission.

However, Plaintiff is encouraged to review Rule 11 of the Federal Rules of Civil Procedure which allows a court to sanction parties for filing frivolous pleadings. Given the history of Plaintiff's filings in this case, the Court will review any future motions for temporary restraining orders pursuant to Rule 11 and its dictates.

IT IS SO ORDERED.

DATED: July 12, 2016

s/ Staci M. Yandle
STACI M. YANDLE
DISTRICT JUDGE